

### **REMARKS**

Claims 51, 54, 81 and 82 remain under consideration in the application.  
Favorable reconsideration of the application is respectfully requested.

#### ***I. REJECTIONS OF CLAIMS 51, 54, 81 AND 82 UNDER 35 USC §103(a)***

Claim 51 now stands rejected under 35 USC §103(a) based on *Kubo et al. '109* or *Motomura et al.*, in view of *Hasegawa et al.* and *Eichenlaub*. Claims 54 and 81-82 remain rejected under 35 USC §103(a) based on *Kubo et al. '109* or *Motomura et al.*, in view of *Hasegawa et al.* and *Eichenlaub*, and further in view of *Handschy*. Applicants respectfully request withdrawal of each of these rejections for at least the following reasons.

Applicants respectfully submit that neither *Kubo et al. '109* nor *Motomura et al.* is a proper reference under §102/§103. Thus, the rejections are unsupported and should be withdrawn.

*Kubo et al. '109:*

*Kubo et al. '109* is a continuation-in-part of *Kubo et al. '140*. The Examiner previously applied *Kubo et al. '140* in the Office Action mailed on May 18, 2005. As applicants pointed out at the time with respect to *Kubo et al. '140*,

*Applicants note that Kubo et al. and the present application are commonly assigned to Sharp Kabushiki Kaisha and were commonly assigned at the time of the invention. Since Kubo et al. qualifies as prior art only under one or more of subsections (e), (f), and (g) of §102, Kubo et al. does not preclude patentability of the present invention under 35 USC §103(c).*

*More specifically, applicants note that §35 USC §103(c) applies with respect to applications filed after November 29, 1999. The present application was filed on March 20, 2001, and therefore §35 USC §103(c) would apply. On the other hand, the present application claims priority back to the PCT application filed on September 22, 1999.*

*Kubo et al. was filed on July 27, 1998 and issued as a patent on February 27, 2001. Since the present application claims priority back to the PCT application filed on September 22, 1999, Kubo et al. would qualify as prior art only under one or more of subsections (e), (f), and (g) of §35 USC §102. Therefore, applicants hereby overcome Kubo et al. as a reference by noting the fact that the inventions were commonly owned.*

*In view of the inapplicability of Kubo et al. as a reference, there is no basis for even a prima facie case of obviousness under §35 USC §103. Withdrawal of the rejections is respectfully requested.*

Similarly, sibling *Kubo et al. '109* and the present application are commonly assigned to Sharp Kabushiki Kaisha and were commonly assigned at the time of the invention. Since *Kubo et al. '109* qualifies as prior art only under one or more of the subsections (e), (f) and (g) of §102, *Kubo et al. '109* does not preclude patentability of the present invention under 35 USC §103(c).

More specifically, applicants note that §35 USC §103(c) applies with respect to applications filed after November 29, 1999. The present application was filed on March 20, 2001, and therefore §35 USC §103(c) would apply. On the other hand, the present application claims priority back to the PCT application filed on September 22, 1999.

*Kubo et al. '109* was filed on December 28, 1998, and issued as a patent on September 25, 2001. Since the present application claims priority back to the PCT application filed on September 22, 1999, *Kubo et al. '109* would qualify as prior art only under one or more of subsections (e), (f), and (g) of §35 USC §102. Therefore, applicants hereby overcome *Kubo et al. '109* as a reference by noting the fact that the inventions were commonly owned.

In view of the inapplicability of *Kubo et al. '109* as a reference, there is no basis for even a prima facie case of obviousness under §35 USC §103.

*Motomura et al.:*

Regarding *Motomura et al.*, the corresponding application was filed on March 28, 2000. The present application is based on a PCT international application filed September 22, 1999, which predates the filing date of *Motomura et al.* Consequently, applicants respectfully submit that *Motomura et al.* is not a valid reference against the claimed invention. Withdrawal of the rejection based on *Motomura et al.* is respectfully requested.

## **II. CONCLUSION**

Accordingly, neither Kubo et al. '109 nor Motomura et al. are valid references. Claims 51, 54 and 81-82 are believed to be allowable and the application is believed to be in condition for allowance. A prompt action to such end is earnestly solicited.

Should the Examiner feel that a telephone interview would be helpful to facilitate favorable prosecution of the above-identified application, the Examiner is invited to contact the undersigned at the telephone number provided below.

Should a petition for an extension of time be necessary for the timely reply to the outstanding Office Action (or if such a petition has been made and an additional extension is necessary), petition is hereby made and the Commissioner is authorized to charge any fees (including additional claim fees) to Deposit Account No. 18-0988.

Respectfully submitted,

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